IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3743 OF 2002

K.Ramaswamy ...Petitioner
Vs.
Divisional Commissioner, Pune Division
Pune & Ors. ...Respondents

Mrs. Shubhangi Bhosale for Mr. V.N.Tayade Adv.for Petitioner
Mrs. M. Thakur, A.G.P. for Respondents

CORAM: H.L.GOKHALE &
SMT.R.S.DALVI,JJ.
DATED: 10TH AUGUST, 2005

P.C.

1. Heard Mrs. Bhosale with Mr. Tayade in support of this Petition. Mrs. Thakur appears for the Respondents. The Petitioner herein was working in the services of the Zilla Parishad Pune. In view of certain allegations of irregularities and misconduct a departmental enquiry was conducted against him and an order of recovery of certain amount was passed against him.

2. The Petitioner preferred an appeal against that order and the Appellate Authority passed a cryptic order on 5th December, 2001 dismissing the appeal. The Appellate order states only this much that the State Government has informed the Commissioner that there is no need to interfere in the Order passed by the Commissioner and confirmed his

order in the Petition against the Petitioner. That certainly cannot be in any appeal filed by Civil Servant. He must know as to why his Appeal has been dismissed. It is not necessary that any elaborate order is passed, but he must know sufficiently as to what is the decision of the Government on the grounds that he has raised in the Appeal. In as much as the impugned order does not say anything beyond what is stated above, we allow this Petition to this limit namely that the Appellate Order dated 5th December, 2001 stands set-aside. The Appeal will stand restored to the file of Appellate Authority. The Appellate Authority will hear once again and thereafter pass a reasoned order one way or the other. We make it clear that it will be open to the Appellate Authority to deal as it deems to be fit and pass the same order for the reasons to be recorded by the Appellate Authority.

. The Petition allowed in the aforesaid terms without any orders as to the costs.

(H.L.GOKHALE,J.)

(SMT.R.S.DALVI,J.)